

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

JOEL AGUILAR,

Plaintiff,

v.

iENERGIZER, INC., FIRST CONTACT,
LLC, SUTHERLAND GLOBAL SERVICES
INC., and FIRST CREDIT SERVICES, INC.,

Defendants.

CAUSE NO.: 2:23-CV-208-TLS-JEM

OPINION AND ORDER

This matter is before the Court on the Plaintiff's Notice of Voluntary Dismissal with Prejudice [ECF No. 21] as to Defendant First Credit Services, Inc. only filed on September 6, 2023. The Seventh Circuit Court of Appeals has explained that the proper procedure for dismissal of individual parties or claims is by the amendment of pleadings under Federal Rule of Civil Procedure 15(a) and not by dismissal under Federal Rule of Civil Procedure 41(a). *Taylor v. Brown*, 787 F.3d 851, 857–58, 858 n.9 (7th Cir. 2015) (explaining that “Rule 15(a) allows a plaintiff to amend his complaint—including by adding or dropping parties and claims—as a matter of right in some situations and by court order in others” and reminding district courts to use Rule 15(a) rather than Rule 41(a) for dismissal of individual claims); *see also* 6 Fed. Prac. & Proc. Civ. § 1479 (3d ed.).

Accordingly, the Court STRIKES the Notice of Voluntary Dismissal with Prejudice [ECF No. 21]. The Court ORDERS that the Plaintiff has up to and including October 4, 2023, to file either:

1. An amended complaint pursuant to Federal Rule of Civil Procedure 15(a)(2) to drop Defendant First Credit Services, Inc.; or
2. A stipulation of dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) signed

by all parties who have appeared that resolves the action against all Defendants.

The Court notes that on August 25, 2023, the Plaintiff filed a Notice of Settlement [ECF No. 19] in which the Plaintiff represented he has settled all claims against the Defendants. Should the Plaintiff need additional time to finalize the settlement as to all Defendants, the Plaintiff may request an extension of the October 4, 2023 deadline.

SO ORDERED on September 6, 2023.

s/ Theresa L. Springmann
JUDGE THERESA L. SPRINGMANN
UNITED STATES DISTRICT COURT